

ORDINANCE NO. 07-109

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW 28 PARKING SPACES, WHERE AT LEAST 30 SPACES ARE REQUIRED, FOR PROPOSED OFFICE USE OF THE EXISTING UNOCCUPIED SPACE ON THE SECOND FLOOR AND FOR A FIRST FLOOR CAFETERIA AND CONVENIENCE STORE, AS ANCILLARY USES TO AN EXISTING GAS STATION, CONTRA TO HIALEAH CODE § 98-2189(7). **PROPERTY LOCATED AT 6305 EAST 8 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 14, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow 28 parking spaces, where at least 30 parking spaces are required, for proposed office use of the existing unoccupied on the second floor and for first floor cafeteria and convenience store, as ancillary uses to an existing gas station, contra to Hialeah Code § 98-2189(7), which provides in pertinent part: "*Commercial uses, not found elsewhere in this section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building, and one parking space for each 500 square feet of the remaining floor area. Property located at 6305 East 8 Avenue, Hialeah,

Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

TRACT A, ORTEGA INTERIORS, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
157, PAGE 8, OF THE PUBLIC RECORDS OF MIAMI-
DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

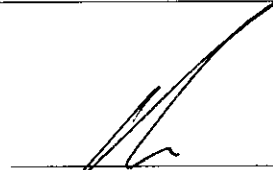
Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11th day of December, 2007.



Esteban Bovo
Council President

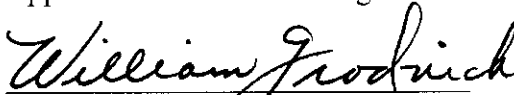
Attest:



Rafael E. Granado, City ClerkApproved on this 12 day of December, 2007.

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".